

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on December 15, 2003, and the references cited therewith.

Claims 10-11 are amended, and claim 40-45 are added. Claims 1-11 and 16-45 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3 and 8-9 were rejected under 35 USC § 102(e) as being anticipated by Casby et al. (U.S. Patent No. 6,118,652). Notwithstanding the discussion below, Applicant reserves the right to swear behind the cited reference.

Claims 1-3

Applicant traverses the rejection of claims 1-3. Applicant believes claim 1 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, a capacitor including an aluminum case and a capacitor stack mounted within the aluminum case, the capacitor stack comprising one or more anodes and one or more cathodes, one of the one or more anodes or one of the one or more cathodes attached to the aluminum case, "wherein the case is adapted to be an active anode or cathode layer to functionally service the capacitor stack," as recited in claim 1. The Examiner directs attention to Figures 6-10 of Casby for this subject matter. In column 34, lines 10-15, Casby discusses that "can 90 and cover 110 are electrically connected to the cathode layers, and where can 90 and cover 110 are at the same electrical potential as the cathode layers." Accordingly, it appears that in Casby, the case is merely a cathode terminal. However, Applicant cannot find in Casby any discussion of the case being "adapted to be an active anode or cathode layer to functionally service the capacitor stack," as recited in claim 1.

Claims 2-3 include each limitation of parent claim 1, and are therefore also not anticipated by the cited reference. Moreover, regarding claim 2, Applicant cannot find in Casby any discussion of "wherein the case is etched and is adapted to be an active cathodic element servicing one or more anodes of the capacitor stack which are adjacent the case." The Examiner directs attention to column 47, lines 42-44 for such subject matter. However column 47, lines 42-44 state "wherein the case is connected electrically to neither the at least one cathode layer

nor to the plurality of anode layers.” This does not anticipate the subject matter recited in claim 2. Regarding claim 3, Applicant cannot find in Casby any discussion of “wherein the case is adapted to be an active anodic element.” The Examiner again directs attention to column 47, lines 42-44 for such subject matter. As noted, column 47, lines 42-44 state “wherein the case is connected electrically to neither the at least one cathode layer nor to the plurality of anode layers.” This does not anticipate the subject matter recited in claim 3.

Reconsideration and allowance is respectfully requested.

Claims 8-9

Applicant submits that claim 8 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Casby a method including “etching at least a portion of an inner surface of a capacitor case, the inner surface including an upper inner surface and a lower inner surface,” as recited in claim 8. The Examiner directs attention to column 46, lines 24-25 for this subject matter. Column 46, lines 24-25 state “a case formed of a base, the base having a base inner surface, a base outer surface, and a base edge.” This does not anticipate the subject matter recited in claim 8.

Claim 9 includes each limitation of parent claim 8 and is therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 4-7 and 16-39.

Claims 10 and 11 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10 and 11 have been rewritten in independent form.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of March, 2004.

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Name

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